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UNCLAS SECTION 01 OF 02 MUSCAT 000853

SIPDIS

SENSITIVE

DEPT FOR NP/ECC (TGROEN), NEA/ARPI (TROBERTS)  
AMMAN FOR JIRVINE

E.O. 12958: N/A

TAGS: [ETTC](#) [PARM](#) [KNNP](#) [KSTC](#) [TSPL](#) [MU](#)

SUBJECT: FEEDBACK: LEGAL REGULATORY WORKSHOP IN OMAN

REF: A. STATE 34282

1B. MUSCAT 406

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SUMMARY  
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11. (SBU) The Export Control and Related Border Security (EXBS) program sponsored an Export Control Legal-Regulatory Workshop in Muscat May 15-18, 2005. Over 25 officials attended the 4-day event and shared comments on the current state of export controls in Oman. While the course provided an awareness of multilateral control regimes, most participants failed to see the link to national security or to opportunities for increasing high-tech investment in the Sultanate. Participants confirmed that Oman lacks comprehensive export controls for items other than chemicals, pharmaceuticals, and munitions; that it has no intention to join international regimes such as the Wassenaar Agreement, nor plans to develop its own national control list in the near future. Based upon feedback from the participants, the Embassy suggests that EXBS programming focus on already identified vulnerabilities in transit, import control and operations, including assistance in inspection/interdiction techniques as well as targeting and risk analysis. END SUMMARY

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Export Controls Premature?  
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12. (U) The Export Control Legal-Regulatory Workshop sponsored by the Department of State's Export Control and Related Border Security (EXBS) Program was delivered in Muscat May 15-18, 2005 by Commonwealth Trading Partners (CTP). Approximately 25 government officials attended, representing the Royal Oman Police Customs, Coast Guard, and Operations; and Ministries of National Economy, Transportation, Foreign Affairs, Commerce, Defense, and Regional Municipalities, Environment and Water Resources (MRMEWR).

13. (SBU) It was clear from the uninformed and lethargic responses of the participants, and perplexed reaction to the complex course material, that this workshop on export controls may have been premature. While the course provided an awareness of multilateral control regimes and how national security, as well as businesses, benefit from them, most of the participants failed to see the link to supporting international control lists and increasing high-tech investment opportunities. In fact, many officials erroneously believe that, with a pending free trade agreement with the U.S., "unnecessary" controls would actually deter business opportunities. Government officials confirmed that Oman lacks comprehensive controls on exports outside of chemicals (MRMEWR), pharmaceuticals (Ministry of Health), and munitions (Ministry of Defense), and has no immediate plans to participate in regimes such as the Wassenaar Agreement or to develop its own national export control list.

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SUGGESTIONS AND FEEDBACK  
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14. (SBU) In the absence of greater Omani government buy-in to the concept of participating in international export control regimes, the workshop failed to fully meet its objectives of drafting export control regulations. The implementers instead used the pre-European Union export control law of Estonia to illustrate critical elements of export regulations. Some potential Omani vulnerabilities highlighted in the discussions include current gaps in recordkeeping, such as where and how long to save license applications. Oman also appears to lack any mechanisms to deal with export violations or to assess penalties. Moreover, there is only a vague understanding of ministries' jurisdiction and roles in enforcement.

15. (SBU) There were, however, a few avenues that may present more viable opportunities for technical cooperation and assistance:

-- Registration: Officials from the MRMEWR were particularly interested in developing additional registration requirements for companies exporting dual-use or controlled items. Currently, all importing and exporting companies in Oman provide limited information to meet registration requirements with the Ministry of Commerce and Industry (MOCI). Officials from other ministries, particularly MRMEWR, would like to see more thorough, and centralized, registration requirements for companies exporting or transiting controlled items.

-- Jurisdiction: Omani law requires further development of its jurisdiction over more areas of activity. For instance, there are no regulations on brokering exports of control list items, both inside and outside Omani territory.

-- Licensing: Technical assistance or EXBS programming to assist officials at the MRMEWR in developing transit licensing procedures would be welcome. Although Oman does not have a comprehensive export control law, licensing officials at the MRMEWR are particularly aware of the potential threat, and responsibilities, of internationally controlled items entering its ports and unknowingly traversing its waters.

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Comment  
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16. (SBU) As EXBS programming moves forward in Oman, it may be worth reconsidering the planned Licensing Procedures and Practices Workshop tentatively scheduled for the fall. Given the response to this workshop, and the lack of clear direction for developing export controls in the Sultanate, another workshop on a topic similar to this past one is unlikely to be constructive at this time. The Embassy suggests that EXBS instead focus on already identified vulnerabilities in transit and import, including training in inspection/interdiction techniques as well as targeting and risk analysis.

17. (SBU) On an administrative note, the participants remarked on the poor translation and assembly of the course material. Moreover, the presentations appeared disjointed, rather unorganized, and not clearly thought out. Several participants from the previous workshop in March (reftel B) expressed their preference for that contractor (Los Alamos Technical Associates), having enjoyed the clear presentations, prolific examples, detailed course materials and lively speakers.  
STEWART